UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,263	06/02/2000	Donald F. Gordon	SEDN/070CIP4	5643

56015   7590   01/12/2009
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EXAMINER
SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
2421	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Reopening of Prosecution After Board Decision

1.   New evidence has been discovered which indicate nonpatentability of the

appealed claims as to which the examiner was reversed. Approval to reopen

prosecution under 37 CFR 1.198 for the purpose of entering the new rejection has been

submitted to the Technology Center 2400 Director and has been approved. See MPEP

§ 1002.02(c) and MPEP § 1214.07.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hendricks, et al. (5,559,549) [Hendricks] in view of Gordon et al. (6,208,335) [Gordon].

        Regarding claim 1, Hendricks discloses a method comprising:

        generating, at a head end, at least one graphic for a channel information

window (the STTCIS is generated at a head end [network controller 214, see fig.

3], col. 13, lines 28-40, and it is the STTCIS which includes the graphics files

which are stored in a set top and used to display program guide information, col.

13, lines 55-58; col. 18, lines 35-58; and col. 24, lines 7-41, see particularly col.

24, lines 31-41, which shows the local memory is written and rewritten with graphics files from the information received from the head end);

encoding, at the head end, a broadcast video presentation and the graphic for the channel information window (signal compression [for both the program control information and the video signals] is performed by the head end, col. 6, lines 27-38 and col. 9, lines 15-22), the broadcast video presentation being programming from one of a plurality of channels (col. 6, lines 38-41);

transmitting, from the head end to a set top terminal, the broadcast video presentation and the graphic for the channel information window (col. 8, lines 40-44);

receiving at the set top terminal a signal to activate the channel information window (col. 12, lines 10-22, wherein the signal to activate the information window is a user initiation of the menu system, this includes the initial menu screen associated with turning on the set top device, col. 12, lines 23-30, and active inputs from a user for viewing other menus, col. 12, lines 57-67);

decoding, at the set top terminal, the graphic for the channel information window (the graphics files are compressed upon storage in the set top, and are decompressed when it is time to assemble a menu, col. 14, lines 34-42 and col. 25, lines 57-61); and

compositing, at the set top terminal, the graphic for the channel information window and the broadcast video presentation to produce a video stream for a display (col. 18, lines 48-67) so that the channel information window

overlays and obscures a portion of the broadcast video presentation on the display (col. 18, lines 11-27).

Hendricks fails to disclose the graphic is a bitmap.

In an analogous art, Gordon teaches a system wherein downloaded graphics used in displaying overlays atop of video content are downloaded as bitmaps (col. 7, lines 7-40).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Hendricks to download the graphics as bitmaps, as taught by Gordon. Hendricks lacks any teaching as far as what specific file format the graphics are delivered to the receiver as, and it is thus up to the person of ordinary skill in the art to then decide on a file format for graphics. Gordon is evidence that it was quite well known in the art to use the bitmap format for precisely the type of graphical objects described by Hendricks, and would thus be an obvious choice to one of ordinary skill in the art.

Regarding claim 2, Hendricks and Gordon disclose the method of claim 1, wherein transmitting the bitmap for the channel information window is performed via an out of band channel (Hendricks, col. 14, lines 5-6).

4.   Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Gordon and Miller et al. (5,585,866) [Miller].

Regarding claim 5, Hendricks discloses a method comprising:

generating, at a head end, a plurality of graphics for each of a plurality of

channel information windows (the STTCIS is generated at a head end [network

controller 214, see fig. 3], col. 13, lines 28-40, and it is the STTCIS which

includes the graphics files which are stored in a set top and used to display

program guide information, col. 13, lines 55-58; col. 18, lines 35-58; and col. 24,

lines 7-41, see particularly col. 24, lines 31-41, which shows the local memory is

written and rewritten with graphics files from the information received from the

head end);

encoding, at the head end, a plurality of broadcast video displays and the

channel information windows (signal compression [for both the program control

information and the video signals] is performed by the head end, col. 6, lines 27-

38 and col. 9, lines 15-22), the broadcast video displays including a particular

broadcast video display, each broadcast video display being programming from

one of a plurality channels (col. 6, lines 38-41), the channel information windows

including information about the channels (downloaded graphic elements include

specific logos associated with particular channels, col. 24, lines 20-30);

transmitting, from the head end to the set top terminal, the broadcast

video displays and the channel information windows (col. 8, lines 40-44); and

compositing, at the set top terminal, the particular broadcast video display

and an associated one of the channel information windows to produce a video

stream for a display (col. 18, lines 48-67) so that the channel information window

overlays and obscures a portion of the particular broadcast video display (col. 18, lines 11-27).

Hendricks fails to disclose the graphics are bitmaps and changing, at the set top terminal, the channel information window in response to a navigation command, while the particular broadcast video display remains the same.

In an analogous art, Gordon teaches a system wherein downloaded graphics used in displaying overlays atop of video content are downloaded as bitmaps (col. 7, lines 7-40).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Hendricks to download the graphics as bitmaps, as taught by Gordon. Hendricks lacks any teaching as far as what specific file format the graphics are delivered to the receiver as, and it is thus up to the person of ordinary skill in the art to then decide on a file format for graphics. Gordon is evidence that it was quite well known in the art to use the bitmap format for precisely the type of graphical objects described by Hendricks, and would thus be an obvious choice to one of ordinary skill in the art.

Hendricks and Gordon fail to disclose changing, at the set top terminal, the channel information window in response to a navigation command; while the particular broadcast video display remains the same.

In an analogous art, Miller teaches a channel information window overlay atop an ongoing video presentation, wherein the contents of the overlay are changed in response to a navigation command while the particular broadcast

video remains the same (col. 13, lines 16-64), for the benefit of allowing a user to

both enjoy a particular video program while also viewing programming

information for other programs (col. 13, lines 16-20 and lines 45-48).

It would have been obvious at the time to a person of ordinary skill in the

art to modify the method of Hendricks and Gordon to include changing, at the set

top terminal, the channel information window in response to a navigation

command, while the particular broadcast video display remains the same, as

taught by Miller, for the benefit of allowing a user to both enjoy a particular video

program while also viewing programming information for other programs.

Regarding claim 8, Hendricks, Gordon, and Miller disclose the method of

claim 5, wherein the navigation command in that mode navigates only through

favorite channels (Miller, col. 26, lines 54-67).

5.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hendricks, Gordon, and Miller as applied to claim 5 above, and further in view of Hoarty

(5,485,197, of record).

Regarding claim 7, Hendricks, Gordon, and Miller disclose the method of

claim 5, including changing the particular broadcast video display to a new

broadcast video display upon termination of the navigation command in that

mode (Miller, col. 13, lines 55-61), but fail to disclose changing the particular

broadcast video display is accomplished by generating, encoding, and

transmitting video packet streams at the head end

In an analogous art, Hoarty teaches a video distribution system (fig. 3)

wherein changing a particular broadcast video display is accomplished by

generating, encoding, and transmitting video packet streams at the head end

(col. 7, lines 35-65, col. 8, lines 40-49, and col. 12, lines 15-32, wherein a

particular user is allocated a particular frequency channel in order to access a

very wide range of services, and a channel change command changes the

content supplied on the "virtual" channel), providing a wider range of services to

users than would otherwise be available.

It would have been obvious at the time to a person or ordinary skill in the

art to modify the method disclosed by Hendricks, Gordon, and Miller to include

said changing of the particular broadcast video display is accomplished by

generating, encoding, and transmitting video packet streams at the head end, as

taught by Hoarty, for the benefit of providing a wider range of services to users

than would be possible given the finite amount of available bandwidth over a

distribution medium.

6.   Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hendricks in view of Gordon and Bolanos et al. (5,793,364, of record) [Bolanos].

Regarding claims 9 and 10, Hendricks discloses a method comprising:

generating, at a head end, a broadcast video presentation and graphics

for a channel information window (the STTCIS is generated at a head end

[network controller 214, see fig. 3] along with video content, col. 13, lines 28-40,

and it is the STTCIS which includes the graphics files which are stored in a set

top and used to display program guide information, col. 13, lines 55-58; col. 18,

lines 35-58; and col. 24, lines 7-41, see particularly col. 24, lines 31-41, which

shows the local memory is written and rewritten with graphics files from the

information received from the head end), the broadcast video presentation being

programming from one of a plurality of channels (col. 6, lines 38-41);

encoding, at the head end, the broadcast video presentation and the

graphic for the channel information window (signal compression [for both the

program control information and the video signals] is performed by the head end,

col. 6, lines 27-38 and col. 9, lines 15-22);

transmitting, from the head end to a set top terminal, the broadcast video

presentation and the graphic for the channel information window (col. 8, lines 40-

44);

decoding, at the set top terminal, the graphic for the channel information

window (the graphics files are compressed upon storage in the set top, and are

decompressed when it is time to assemble a menu, col. 14, lines 34-42 and col.

25, lines 57-61); and

compositing, at the terminal, the graphic for the channel information

window and the broadcast video presentation to produce a video stream for a

display (col. 18, lines 48-67) so that the channel information window overlays and obscures a portion of the particular broadcast video display (col. 18, lines 11-27).

Hendricks fails to disclose the graphics are bitmaps and receiving at the head end from the terminal, a signal to active the channel information window.

In an analogous art, Gordon teaches a system wherein downloaded graphics used in displaying overlays atop of video content are downloaded as bitmaps (col. 7, lines 7-40).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Hendricks to download the graphics as bitmaps, as taught by Gordon. Hendricks lacks any teaching as far as what specific file format the graphics are delivered to the receiver as, and it is thus up to the person of ordinary skill in the art to then decide on a file format for graphics. Gordon is evidence that it was quite well known in the art to use the bitmap format for precisely the type of graphical objects described by Hendricks, and would thus be an obvious choice to one of ordinary skill in the art.

Hendricks and Gordon fail to disclose receiving at the head end from the terminal, a signal to active the channel information window.

In an analogous art, Bolanos teaches downloading graphics for a user interface on demand (col. 3, lines 24-32), for the benefit of not having to repeatedly transmit the user interface graphics.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hendricks and Gordon to include

downloading graphics for the user interface on demand [in response to an

activation signal], as taught by Bolanos, for the benefit of not having to

repeatedly transmit the channel information window bitmap.

7.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hendricks and Gordon as applied to claim 1 above, and further in view of Bolanos.

        Regarding claim 13, Hendricks and Gordon disclose the method of claim

1, but fails to disclose requesting, by the set top terminal from the head end, the

bitmap for the channel information window in response to the signal to activate

the channel information window.

        In an analogous art, Bolanos teaches downloading graphics for a user

interface on demand (col. 3, lines 24-32), for the benefit of not having to

repeatedly transmit the user interface graphics.

        It would have been obvious at the time to a person of ordinary skill in the

art to modify the method disclosed by Hendricks and Gordon to include

downloading the graphics for the user interface on demand, as taught by

Bolanos, for the benefit of not having to repeatedly transmit the channel

information window bitmap.

8.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hendricks and Gordong as applied to claim 1 above, and further in view of MacInnis

(5,951,639, of record).

Regarding claim 14, Hendricks and Gordon disclose the method of claim 1, wherein the set top terminal causes the channel information window to overlay the broadcast video presentation in response to the signal to activate the channel activation window (col. 18, lines 11-27) but fails to disclose the bitmap for the channel information window is broadcast continually.

In an analogous art, MacInnis teaches a method for downloading data wherein the data is broadcast continually (col. 4, lines 20-41), for the benefit of alleviating the need to request the data from a source (col. 4, lines 38-41).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hendricks and Gordong to include broadcasting the data continually, as taught by MacInnis, for the benefit of alleviating any possible need to request the channel information window from the head end.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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